



CITY OF FILLMORE

CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015-4907
(805) 524-5761 • FAX (805) 524-5787

NOV 29 2004

November 19, 2004

The Honorable Steve Westly, Chair
State Controller

The Honorable Cruz Bustamante, Member
Lieutenant Governor

Mr. Tom Campbell, Member
Director of Finance

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

Dear Chair Westly and Commissioners Bustamante and Campbell:

I am proud to have been re-elected to a second term to represent the City of Fillmore. Given the tremendous growth and potential of the Ventura County region, I feel that it is our duty to be part of the solution to California's energy shortage. Our city, like so many in California, cannot grow without a stable energy supply. We simply cannot afford more rolling blackouts and the consequences they have for our residents and our economy.

I believe that liquefied natural gas can help bring that stability. Consequently, I support the building of one or more liquefied natural gas facilities off California to serve our growing demand for energy.

The process of converting natural gas to liquid form and back to gas for transportation purposes has been used for decades to cook food, warm homes and run businesses in other parts of the United States and throughout the world. It is time for California to benefit from this same solution.

In this regard, I am aware of recent proposals to construct liquefied natural gas conversion terminals throughout California. I support this concept, but on specified terms. The terminals should be distant from population centers. In Ventura County, for instance, a terminal should be offshore - as has been proposed. The terminals should also be environmentally friendly and transparent. The last thing we need is another huge power plant along the coast or blocking our coastal view.

I recognize that it is your job to decide if a terminal will or will not go forward. I, as an elected city council member for the City of Fillmore, am ready to do my part in that regard. I only ask that you choose the option that best meets the criteria above so that we can all believe we made the best informed decision for this region and for our state.

If you have any questions or comments, please feel free to contact me at 805-794-7437. Thank you for your consideration.

Sincerely,

M. Cecilia Cuevas
Council Member, City of Fillmore

cc: Paul D. Thayer, Executive Officer
Mayor and Council Members, City of Fillmore

Copy forwarded to:

City Offices

Date: 11-25-04 by: [initials]

L025-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

November 12, 2004

The Honorable Steve Westly, Chair
State Controller

The Honorable Cruz Bustamante, Member
Lieutenant Governor

Mr. Tom Campbell, Member
Director of Finance

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

Dear Chair Westly and Commissioners Bustamante and Campbell:

I am proud to have been elected to represent the City of Fillmore.

Our region, like so many in California, cannot grow without a stable energy supply. I believe that liquefied natural gas can help bring that stability. Consequently, I support the building of one or more liquefied natural gas facilities off California to serve our growing demand for energy.

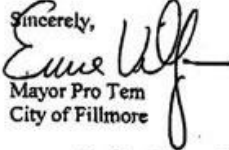
Given the tremendous growth and potential of the Ventura County region, I feel that it is our duty to be part of the solution to California's energy shortage. We simply cannot afford more rolling blackouts and the consequences they have for our residents and our economy.

The process of converting natural gas to liquid form and back to gas for transportation purposes has been used for decades to cook food, warm homes and run businesses in other parts of the United States and throughout the world. It is time for California to benefit from this same solution.


In this regard, I am aware of recent proposals to construct liquefied natural gas conversion terminals throughout California. I support this concept, but on specified terms. The terminals should be distant from population centers. In Ventura County, for instance, a terminal should be offshore – as has been proposed. The terminals should also be environmentally friendly and transparent.

I recognize that it is your job to decide if a terminal will or will not go forward. I ask that you choose the option that best meets the criteria above so that we can all believe we made the best informed decision for our city, region, and state.

Thank you for your consideration.

Sincerely,

Mayor Pro Tem
City of Fillmore

cc: Paul D. Thayer, Executive Officer

Copy forwarded to:	
C. O. Offins	
Date:	11.29.04 by 

L020-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.



City of Malibu

23815 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 456-7650 • www.ci.malibu.ca.us

December 17, 2004

California State Lands Commission
Attn: Cy Oggins
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

RE: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CABRILLO PORT LIQUEFIED NATURAL GAS DEEPWATER PORT

Dear Mr. Oggins:

Thank you for the opportunity to comment on the recently published Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the proposed Cabrillo Port Liquefied Natural Gas Deepwater Port to be located approximately 13 miles offshore, southwest of the City of Malibu. As the City of Malibu monitors the proposed liquefied natural gas terminals near our City, the City has been reviewing data that offers insight as to the risks to the environment and public safety with the siting of such terminals. Particularly because the proposed offshore liquefied natural gas terminal is the first of its kind, it is critical that the environmental review for its potential impacts on the environment be as thorough and concise as possible.

Pursuant to the Guidelines for the California Environmental Quality Act established in the California Code of Regulations §§15151 and 15204, the City of Malibu believes the DEIS/EIR is inadequate in its assessment of the potential environmental impacts and risks to public health and safety by failing to accurately assess catastrophic events that might result from accidental releases of LNG or potential terrorist attacks on the proposed project. For purposes of assessing the proposed project's potential environmental impact and risks to public health and safety, the DEIS/EIR relied on computer modeling to conduct its risk assessment. According to ABSG Consulting, Inc., authors of the report titled *Consequence Assessment Methods for Incidents Involving Releases from Liquefied Natural Gas Carriers*, the reliance on computer modeling to assess potential risks, is inadequate because of its inability to take into account wave action, wind, and water currents on accidental releases of LNG. Moreover, computer modeling is inadequate because, currently, there are no computer models that reflect the structure of LNG carriers that are equipped with barriers between cargo tanks and double hulls that carry LNG. In an effort to accurately assess the potential impacts from accidental releases of LNG, the computer modeling should have been calibrated to take into account the variables involved in an effort to mitigate these risks. Without the ability to accurately assess the potential environmental impacts from accidental releases of LNG, the risk assessment conducted for the DEIS/EIR is inadequate.

L012-1

The Independent Risk Assessment (IRA) has been updated since issuance of the October 2004 Draft EIS/EIR. The lead agencies directed preparation of the current IRA, and the U.S. Department of Energy's Sandia National Laboratories independently reviewed it, as discussed in Section 4.2 and Appendix C.

Section 4.2.7.6 and the IRA (Appendix C1) discuss the models and assumptions used and the verification process. Sandia National Laboratories (Appendix C2) concluded that the models used were appropriate and produced valid results.

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

The Independent Risk Assessment (Appendix C1) considered various potential LNG spill scenarios using available meteorological data from offshore buoys. Section 4.2.7.2 discusses the process of LNG evaporation and dispersion that would follow an LNG spill on water. No shoreline in Malibu would be affected, and waters of Malibu would not be affected by Project discharges (see Figure ES-1).

L012-1

December 17, 2004

The City of Malibu continues to have concerns related to the potential impacts to public health and safety that would result from acts of sabotage and/or terrorist attack. Particularly after the events of September 11, 2001, it is critical that planners and decision makers thoroughly evaluate proposed land uses, which may be subject to acts of terrorism and sabotage. The analysis contained in the DEIS/EIR states that the measures to be implemented to prevent or mitigate terrorist threats, are subject to national security confidentiality, and could not be addressed in the DEIS/EIR. Without factual evidence that liquefied natural gas terminals do not increase risks to public health and safety, the conclusions reached with the risk assessment are insufficient and inadequate.

The City of Malibu believes the inadequate risk assessment has serious implications for the adequacy of the cumulative impact analysis conducted in the environmental review for the proposed project. The DEIS/EIR affirms that if the proposed Cabrillo Port Liquefied Natural Gas Deepwater Port and the proposed Crystal Energy's Deepwater Port, another LNG terminal proposed in the immediate vicinity, were both built, there would be no potential cumulative impacts. As stated before, the computer modeling conducted to assess potential risks imposed by the proposed Cabrillo Port Liquefied Natural Gas Deepwater Port is inadequate because of its inability to take into account wave action, wind, and water currents on accidental releases of LNG. Thus, without this fundamental knowledge of potential risks to public health and safety, the cumulative impact analysis is insufficient and inadequate because of its reliance on insufficient and inadequate data.

The inherently volatile nature of LNG makes the transport, storage, and regassification remain a serious hazard that cannot be ignored. Without factual evidence that liquefied natural gas terminals do not increase risks to public safety, the DEIS/EIR is inadequate in its assessment of the potential environmental impacts and risks to public health and safety. Pursuant to the Guidelines for the California Environmental Quality Act established in the California Code of Regulations §15088.5, the City of Malibu requests the DEIS/EIR be recirculated because the environmental document is fundamentally and basically inadequate in nature.

Should you have any questions or comments I can be reached at (310) 456-2489, extension 251 or by email at vpeterson@ci.malibu.ca.us.

Sincerely,



Vic Peterson

Environmental and Community Development Director

cc: Mayor Barovsky
Members of the City Council
Katie Lichtig, City Manager
Michael Teruya, Planning Division Manager
Planning Division

L012-2

Section 4.2.6.1 and Section 4.2.7.6 under "Security Vulnerability Assessment and Hazard Identification" address this topic.

L012-3

Sections 4.20.1.1 and 4.20.3 discuss cumulative impacts of the

L012-2 Clearwater Energy project. See the response to Comment L012-1.

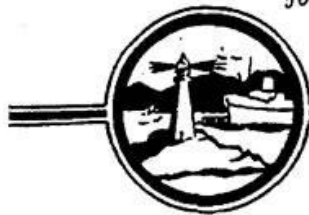
L012-4

The document was recirculated under CEQA in March 2006 and the public safety analysis was revised. Section 1.4 contains additional detail on this topic.

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed

L012-3 Project.

L012-4



Date: 12/20/04
City of Port Hueneme

CITY COUNCIL

December 20, 2004

United States Coast Guard
2100 Second Street, S.W.
Washington D.C. 20593-0001
Attn: Ken Kusano (G-MSO-5)

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202
Attn: Cy Oggins

USCG - 2004-16877-715

2004 DEC 20 A 8:25

DEPT OF TRANSPORTATION
DOCKETS

REF: COMMENTS OPPOSING DRAFT ENVIRONMENTAL IMPACT
STATEMENT, ENVIRONMENTAL IMPACT REPORT: CABRILLO
PORT DEEPWATER PORT, DEEPWATER PORT LICENSE
APPLICATION (Docket Number USCG-2004-16877)

Dear Gentlemen:

I am writing to express my opposition to the proposed liquefied natural gas project based on the following unacceptable concerns referred to in the aforementioned Draft EIS/EIR. These views are mine and do not represent those of the City nor the City Council.

The concerns are as follows:

A. Threats to Public Safety

The Conclusions and Recommendations Section 6.1 of the EIR/EIS states:

"... long-term significant impacts after the incorporation of feasible mitigation measures remain in the topic areas of Public Safety ..."

L006-1

250 North Ventura Road • Port Hueneme, California 93041 • Phone (805) 986-6500
<http://www.ci.port-hueneme.ca.us>

COMMENTS ON DRAFT EIS/EIR: CABRILLO PORT
DECEMBER 20, 2004
PAGE 2

Eight items are included within the Public Safety section of Table 6.1-1, Impacts and Mitigation Measures. Of the eight Public Safety items, six items are noted as significant (Class I) both pre and post implementation of mitigation measures.

L006-1
cont'd

B. Egregious Air Quality Impacts to the local coastal communities of Ventura County:

Least highlighted in individual and public references to LNG are the impacts to air quality that would be a constant problem, as opposed to a one time or sporadic negative occurrence. In addition to being serious, these air quality issues also disproportionately impact the coastal communities including the residents, recreational users and tourists of the Cities of Port Hueneme, Oxnard and Ventura.

L006-2

The proposed LNG port would emit an estimated 450 tons of nitrogen oxides (Nox) during the construction phase and an additional 187 tons per year while in operation. These rates are unacceptable. Ventura County is a severe air quality area. New emission sites are limited to no more than 25 tons of NOx per year.

L006-3

Furthermore, at 187 tons per year this proposed project would be the number one facility of 146 already existing facilities countywide reporting nitrogen oxide emissions to the US Environmental Protection Agency. The overwhelming majority of the existing facilities emit an average of only 1 ton per year.

L006-4

The coastal areas of Ventura County including the cities of Port Hueneme, Oxnard and Ventura are disproportionately impacted by NOx emissions. Currently 14% of the counties NOx sites are located along the coast and comprise 25% of countywide NOx emissions. With the addition of the proposed project, the NOx exposure would increase from 25% to 36% for the coastal communities of Ventura County. The coastal communities include not only permanent residents but also the highest concentration of tourists and local recreational users (boaters, surfers etc.) of the coast's natural resources.

C. Environmental Justice

1. Disproportionate impact to minority and low-income communities

In the Environmental Justice section of the EIS/EIR, Table 4.19-2, Summary of Hispanic or Latino Population along the Center Road Pipeline and Alternatives, documents the following population differences that demonstrate a disproportionate impact to Latinos:

L006-5

L006-2

The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

The following Project changes would reduce emissions of nitrogen oxide and other air pollutants:

- Reduction in the number of LNG carriers and change in crew vessel trips;
- Use of natural gas to power LNG carriers in California Coastal Waters;
- Diesel-fueled support vessels with emission controls; and
- Use of specific engine standards for onshore construction equipment.

The Applicant has committed to implement the following additional measure to reduce air emissions:

- Repowering of existing non-Project vessels with cleaner-burning engines.

These changes required revisions to air pollutant emission estimates and related air quality analyses.

L006-3

Section 4.6.1.3 provides revised estimates of NOx emissions during Project construction and operation. Section 4.6.2 discusses regulations and standards concerning NOx emissions.

L006-4

Thank you for the information.

L006-5

Sections 4.19.1 and 4.19.4 contain information on potential Project impacts on minority and low-income communities and mitigation measures to address such impacts.

COMMENTS ON DRAFT EIS/EIR: CABRILLO PORT
DECEMBER 20, 2004
PAGE 3

Area	Latino Pop.
State	32%
Ventura County	33%
Oxnard	66%
Center Road Pipeline	58%

L006-5
cont'd

2. Disproportionate impact to low-income community

As illustrated in Table 4.19-7, Summary of Population Below Poverty Level near Center Road Pipeline and Alternatives, when compared with Ventura County, the area that will be directly impacted and at risk is also an area with a higher concentration below poverty:

Area	% Below Poverty
State	14%
Ventura County	9%
Oxnard	15%
Proposed Route	12%

L006-6

3. Exposure to personal injury and fatality and loss of property for two specific very low income and immigrant residential mobile home parks.

L006-7

The EIR Executive Summary states:

Most of the impacts along the Center Road Pipeline route would be short-term and less than significant, with the exception of one public safety impact that would occur at about MP4.1. At this location, there are two mobile home parks that, due to the type of construction, could be subject to a significant safety impact in the case of an accident.

Because the housing is less robust (i.e. poor), if a pipeline rupture occurs, the residents at these mobile home parks are close enough to the pipeline route that a gas release and the resulting fire would likely spread more rapidly or impact a greater area; this would result in a disproportionately adverse effect. Thus, the Project could result in a significant environmental justice impact at this location.

L006-6

Table 4.19-7 indicates that the number of residents along the proposed Center Road pipeline route living below the poverty level is less than that of the City of Oxnard overall.

L006-7

Impacts PS-4 and -5 in Section 4.2.8.4 contain mitigation to reduce the risks to residents along any analyzed pipeline route.

COMMENTS ON DRAFT EIS/EIR: CABRILLO PORT
DECEMBER 20, 2004
PAGE 4

Attention to public health and safety, quality of life and environmental justice cannot be minimized. Thank you for your consideration of my comments.

Sincerely,



MARICELA P. MORALES
COUNCIL MEMBER

c: Congresswoman Lois Capps
Senator Sheila Kuehl
Assembly Member Fran Pavley
Assembly Member Pedro Nava
Supervisor Kathy Long
City Council – Port Hueneme and Oxnard and Ventura
City Manager – Port Hueneme and Oxnard and Ventura
City Attorney



City of Port Hueneme

November 16, 2004

United States Coast Guard
2100 Second Street, S.W.
Washington D.C. 20593-0001
Attn: Ken Kusano (G-MSO-5)

California State Lands Commission ✓
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202
Attn: Cy Oggins

**REF: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT
STATEMENT, ENVIRONMENTAL IMPACT REPORT: CABRILLO
PORT DEEPWATER PORT, DEEPWATER PORT LICENSE
APPLICATION**

Dear Gentlemen:

I am writing to comment on the aforementioned Draft EIS/EIR. These views are mine and do not represent those of the City nor the City Council.

After a summary review of the documents, in my opinion, there may be valid cause for concern by Port Hueneme residents about the proposed LNG project.

There are Port Hueneme residences about 1.5 miles from the proposed onshore LNG metering station at Ormond Beach. The onshore metering station is surrounded by a 400' x 400' fence. I could not find mention in the Draft EIR of any other security measures or systems to safeguard the metering station.

If my reading of the Draft EIS/EIR is correct, the station could pose a tempting target offering much easier access than the offshore facilities resulting in a greater hazard to Port Hueneme residents than any other facility in the area.

Terrorists could cut the fence at night and place explosives, probably shaped charges, designed to rupture the metering station. This would cause a natural gas explosion, a release of vapor, or both.

L024-1

L024-1

The Project has been modified since the publication of the October 2004 Draft and the main odorant station is located on the FSRU with a smaller backup odorant facility onshore. Sections 2.4.1.3, 4.2.7, 4.7.4, 4.12, 4.18.4, 6.2.2, and 6.2.3 contain information on this topic. Table 4.2-2 and Sections 4.2.6.1 and 4.2.7.6 contain information on the threat of terrorist attacks.

COMMENTS ON DRAFT EIS/EIR: CABRILLO PORT
NOVEMBER 16, 2004
PAGE 2

Shaped charges could be placed by hand in a way that would cut through armor plate or reinforced concrete. The perpetrators can escape in time so it would not be a suicide attack.

L024-1
(cont.)

This scenario was not addressed in the Draft EIS/EIR.

Thank you for your consideration of my comments.

Sincerely,

Murray Rosenbluth, P.E.

MURRAY ROSENBLUTH
MAYOR PRO TEM

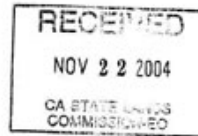
- c: City Council – Port Hueneme and Oxnard
City Manager – Port Hueneme and Oxnard
City Attorney

2004 NOV 19 PM 12:00
CALIFORNIA
LANE COUNTY
RECEIVED



City of Port Hueneme

November 16, 2004



California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202
Attn: Honorable Steve Westly, State Controller/Chair

REF: PROPOSED LIQUEFIED NATURAL GAS PROJECTS

Dear Chair Westly and Commissioners:

I am writing in support of building a liquefied natural gas facility to help meet the growing demand for energy in California. These views are mine and do not represent those of the City nor the City Council.

Our region, like so many in California, cannot grow without a stable energy supply. I believe that liquefied natural gas can help bring that stability. Consequently, I support the building of one or more liquefied natural gas facilities off the California coast to serve the growing demand for energy.

Given the tremendous growth and potential of the Ventura County region, finding a solution to California's energy shortage is essential. Our citizens and businesses simply cannot afford more rolling blackouts.

The process of converting natural gas to liquid form and back to gas for transportation purposes has been used for decades to cook food, warm homes, and run businesses in other parts of the United States and throughout the world. It is time for California to benefit from this same solution.

In that regard, I am aware of recent proposals to construct liquefied natural gas conversion terminals throughout California. I believe that liquefied natural gas can be an essential part of the solution in meeting California's energy needs. Accordingly, I am writing in support of building a liquefied natural gas facility to help meet the growing demand for energy in California.

Copy forwarded to:

Cy Offins

Date: *11.29.04* by *WLL*

PROPOSED LIQUEFIED NATURAL GAS PROJECTS
NOVEMBER 16, 2004
PAGE 2

I am prepared to support location of a liquefied gas terminal off our coastline provided certain critical conditions are met. I can only support a liquefied natural gas facility that is located well offshore to ensure the safety of Oxnard, Port Hueneme, and County residents. I recognize that liquefied natural gas is inherently safe but locating the terminal at a distance can only increase the level of safety. It is incumbent upon the builder of the facility to demonstrate that what they are building is safe. I also believe that the terminal should have the smallest environmental footprint practical. This will protect our coastline, our marine life, and our wonderful vistas of the Pacific Ocean. Finally but critical to my support, any facility must not negatively impact the U.S. Navy's mission.

I recognize that it is your job to decide if a terminal (or terminals) will go forward. I ask that you choose the option that best meets the aforementioned criteria. By doing so, I am confident you will have made the best-informed decision.

Thank you for your consideration.

Sincerely,



ANTHONY C. VOLANTE
COUNCIL MEMBER

c: City Council – Port Hueneme and Oxnard
 City Manager – Port Hueneme and Oxnard
 City Attorney
 Captain P. Grossgold - NBVC
 ✓ Paul D. Thayer, Executive Officer

L027-1

L027-2

L027-3

L027-4

L027-1

Section 3.3.7 contains information on the specific California locations considered in the alternatives analysis. The deepwater port would be 12.01 nautical miles (13.83 miles) offshore, as shown on Figure ES-1.

Section 4.2.7.6 and the Independent Risk Assessment (Appendix C1) contain information on public safety impacts from various incidents at the FSRU. The analysis indicates that the maximum impact distance of an accident would involve a vapor cloud dispersion extending 6.3 nautical miles (7.3 miles) from the FSRU. The FSRU would be located approximately 12.01 nautical miles (13.83 miles) offshore; therefore, consequences of an accident involving LNG transport by carrier and storage on the FSRU would extend no closer than 5.7 nautical miles (6.5 miles) from the shoreline. Figure ES-1 depicts the consequence distances surrounding the FSRU location for worst credible events.

L027-2

Sections 2.1 and 4.2.7.3 contain information on design criteria and specifications, final design requirements, and regulations governing the construction of the FSRU and LNG carriers.

L027-3

Section 4.3.4 evaluates the potential impacts of the Project on Naval operations in the Point Mugu Sea Range.

L027-4

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

Date: 12/20/04

2004/L011

City of
Santa Clarita

23920 Valencia Blvd.
Suite 300
Santa Clarita
California 91355-2196
Website: www.santa-clarita.com

Phone
(661) 259-2489
Fax
(661) 259-8125



December 20, 2004

Mr. Cy Oggins
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

Re: Draft EIR/EIS for the Cabrillo Port LNG Deepwater Port

Dear Mr. Oggins:

Thank you for providing the City with the opportunity to review the Draft EIR/EIS for the Cabrillo Port Liquefied Natural Gas Deepwater Port. Although the City does not oppose the Cabrillo Port Project, we are concerned that the EIR/EIS may not have conducted a thorough review of the Project impacts to support its conclusions. The City is very concerned with ensuring that environmental resources, including the Santa Clara River, are protected and that the project will not result in adverse impacts to residents.

Our comments are primarily focused on the adequacy of the assessment of the potential impacts of the proposed pipeline through Santa Clarita, and the adequacy of the mitigation measures proposed for those impacts on air quality, biological resources, cultural resources, and traffic. Additional comments regarding unavoidable significant adverse impacts and growth inducing impacts are also provided. In addition, we would like to note the following general comments:

General Comments

- The assessment of many of the potential impacts is fairly cursory and is not of sufficient depth to identify alternatives or mitigation measures to reduce impacts. As noted in CEQA Guidelines Section 15126.4(a), an "EIR shall describe feasible measures which could minimize significant adverse impacts." As noted in CEQA Guidelines Section 15126.6, an EIR shall also "describe a range of reasonable alternatives to a project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." This is a large and unique project, and at a minimum should receive the thorough and detailed analysis typically found in project EIRs.
- Mitigation measures should be written to specify why (the objective), what (specifics, performance standards, contingencies), who (agency/person responsible for implementing the mitigation and for monitoring compliance with the mitigation), where (location), and when (schedule).

L011-1

L011-2

L011-1

This letter is substantially the same as 2004 Comment Letter L014.

Both NEPA and the CEQA require the consideration of alternatives to a proposed project. A lead agency's lack of jurisdiction over a potential alternative is one factor that it may consider in determining if a potential alternative is feasible, reasonable, and merits detailed study in an EIS/EIR. Whether a potential alternative is purely hypothetical or speculative, or whether the potential alternative can be accomplished in a successful manner in a reasonable period of time are additional factors the lead agency may consider in assessing the feasibility and reasonability of the potential alternative.

From a NEPA perspective, while a Federal agency must analyze "a range of reasonable alternatives" (as opposed to any and all possible alternatives), and may be required to analyze an alternative that is outside the capability of an applicant and that is outside the jurisdiction of the agency, the threshold question in determining whether to analyze any alternative is whether that alternative would be a "reasonable" alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense (CEQ 40 Questions; #2a).

To provide for an effective "hard look" at the alternatives the agency must limit the range to those alternatives that will best serve the environmental review process, and not needlessly examine and discuss in depth remote or speculative alternatives that that discussion does not facilitate a better decision making process. As stated in 40 CFR 1502.14(a), the EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."

Section 15126.6(a) of the State CEQA Guidelines states, in part, "[t]he Lead Agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives." The California Supreme Court in the Citizens of Goleta Valley case recognized that while an agency's jurisdiction was only one factor to consider, "[t]he law does not require in-depth review of alternatives that cannot be realistically considered and successfully accomplished." In addition, the discussion in section 15364 in the State CEQA Guidelines states that "[t]he lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological

factor."

Chapter 3 discusses energy conservation, efficiency, and renewable sources of energy, and explains why these potential alternatives were not studied in detail in the EIS/EIR. The range of alternatives studied in detail is reasonable and conforms to NEPA and the CEQA requirements.

L011-2

The Project has been extensively modified since publication of the October 2004 Draft EIS/EIR and the impacts and mitigation measures have changed accordingly.

The EIS/EIR contains substantial mitigation to avoid or reduce potential significant impacts to a level below significance criteria.

The EIS/EIR identifies and assigns significance to all levels of impacts as required by NEPA. The EIS/EIR also identifies unavoidable significant (Class I) impacts. The Administrator of MARAD under the authority of the Deepwater Port Act, the California State Lands Commission, and the Governor of California have to balance the benefits of the Project against its unavoidable environmental risks. In accordance with section 15093 of the State CEQA Guidelines, the CSLC would have to make a Statement of Overriding Considerations addressing Class I impacts prior to approval of the proposed pipeline lease application.

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

December 20, 2004
 Cabrillo LNG Deepwater Port
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- The findings of less than significant impact after mitigation, in many cases, relies on assumptions regarding either future studies or the ability of as yet undefined mitigation measures to reduce impacts to a level which is less than significant. This is unacceptable under CEQA. Requiring a future study, assuming the study will be able to devise adequate mitigation measures, and/or incorporating the study's as yet undefined mitigation measures, is "counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process." Requiring compliance with the recommendations of a study which has yet to be performed has been held by the courts to be inadequate, and an example of improper deferral of mitigation. We would also note that an analysis alone is not a mitigation.

In order to avoid improperly deferring analysis or mitigation it is necessary to identify whether a significant impact will occur and, if so, to demonstrate that mitigation is feasible and either specify a mitigation, or commit to developing mitigations which meet a specific performance criteria (which yields less than significant impacts). If the performance standard can not be met, an unmitigated impact, which was not identified in the EIR would result, and the mitigation should require that the project should be halted pending further environmental review. Also, mitigation measures should not contain language such as "avoid to the extent possible", as such language does not provide any assurance that the level of avoidance will be adequate to reduce impacts to less than significant levels.

The following are examples of either improperly deferred impact assessment or improperly deferred mitigation measures: MM TerrBio-3b, MM AIR-1b, AMM TerBio-1a, AMM TerrBio-2a, MM TerrBio-6b, AMM Cul-3b to AMM Cul-3e (pedestrian survey?), MM PS-7a and MM PS-7b.

- It is unclear that specified mitigations would reduce the following impacts to less than significant:
 - AMM TerBio-1a (fails to define the types of measures or the standard which must be met);
 - TerrBio-2 (conducting a survey and an awareness program to explain endangered species law, doesn't reduce or avoid impacts - need to define specific actions that will be taken, and need to identify areas where there is the potential for impacts to exist).
 - TerrBio-3 (unclear if the standard of "to the extent possible" is sufficient to reduce impacts to less than significant levels, what will be done with banked seeds, the extent of potential impacts, or the feasibility of mitigation).
 - TerrBio-4 (the extent of impacts and the feasibility of mitigation measures has yet to be defined).
 - TerrBio-6 (future studies are not mitigation and AMM TerBio-6a would appear to allow for impacts).

L011-3

L011-4

L011-5

L011-6

L011-7

L011-8

L011-3

Mitigation measures for each significant impact are stipulated throughout the EIS/EIR and those that require future products, e.g., the Biological Resource Mitigation Implementation and Monitoring Plan, contain a listing of topics that must be addressed. These requirements are performance standards by which such plans would be evaluated when it is practical to prepare them. Under the CEQA, mitigation measures "may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." (State CEQA Guidelines section 15126.4(b)). NEPA does not require performance measures for proposed mitigation but only requires mitigation measures to be identified (40 CFR 1502.14(f) and 1502.16(h)).

The lead Federal and State agencies share the responsibility to ensure that mitigation measures are implemented. Table 6.1-1 in Chapter 6 is the basis for the Mitigation Monitoring Program, which would be implemented, consistent with section 15097(a) of the State CEQA Guidelines, to ensure that each mitigation measure is incorporated into Project design, construction, operation, and maintenance activities.

See responses to Comments L011-4 through L011-10.

L011-4

The text in Section 4.8.4 has been revised. See Section 4.1 for an explanation of Applicant measures.

L011-5

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant

mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L011-6

The mitigation measure referring to seed bank retention has been deleted and the remaining mitigation measures concerning vegetation removal (TerrBio-2) have been clarified.

L011-7

See the response to Comment L011-5. The discussion of impacts on wetlands and waters of the U.S. (TerrBio-3) in Section 4.8.4 has been updated.

L011-8

See the response to Comment L011-5. The Applicant measure identified as AM TerrBio-6a, Minimize Disturbance at Water Crossings, in the October 2004 Draft EIS/EIR is discussed under Impact BioMar-1 in Section 4.7.4 of the March 2006 Revised Draft EIR and the Final EIS/EIR.

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- o TerBio-9 (Mitigation measure MM TerrBio-9c as described in the summary table does not meet the requirements of the Migratory Bird Act; the potential for impacts to migratory birds remains and has not been identified as a potential impact).
- o AMM Cul-2a (unclear if the standard of "to the extent possible" is sufficient to reduce impacts to less than significant levels).
- o NOI-4 (mitigations would require monitoring, but the standard which must be met is not specified and it is not clear what action would be taken if monitoring indicated that the standard was exceeded).

L011-9

The potential for unmitigated impacts regarding biological resources, cultural resources, and noise, therefore remains.

- The EIR/EIS should include an analysis which addresses each of the significance criteria provided. Not all of the significance criteria are addressed in the document.
- All of the supporting studies and analysis should either be provided in the Technical Appendices or incorporated by reference in accordance with CEQA standards (i.e. available for review in identified locations).

L011-12

L011-13

Project Description

- Please include information on the depth and width of the excavation required for the various segments of the Line 225 Pipeline Loop, and the other pipeline segments.

L011-14

Air Quality

The project includes 7.7 miles of pipeline construction within Santa Clarita and the South Coast Air Quality Management District and would generate 31.1 tons of NOx emissions within Los Angeles County and a total of 171.4 tons of NOx emissions from on-shore construction. In addition, project operations would generate 187 tons per year of NOx, 50.19 of ROC, and 162 of CO. However, according to the EIR/EIS's summary table, the proposed project would not result in any significant unmitigated air quality impacts.

L011-14.1

The EIR/EIS includes the following Significance Criteria, which are consistent with the general guidance on significance criteria included in the Ventura County Air Quality Assessment Guidelines. However, the EIS/EIR fails to identify or address the more detailed project impact criteria also specified by the SCAQMD and VCAPCD. (See for example: <http://www.vcapcd.org/pubs/Planning/VCAQGuidelines.pdf>)

L011-15

L011-9

The discussion of impacts on wildlife under Impact TerrBio-5 in Section 4.8.4 has been revised. Section 4.8.3 states that the Project would not impede or interfere with movement or migration of wildlife.

L011-10

AM CULT-2a in Section 4.9.4 has been revised.

L011-11

Section 4.14.4 contains information on noise impact analysis and mitigation. Additional mitigation measures have been added that would require the Applicant to: (1) conduct noise monitoring before beginning construction to establish noise background levels, (2) meet the noise ordinance standards for the area in which construction is occurring, (3) establish a hotline for members of the public to call if they have a noise complaint, and (4) establish procedures to respond to any noise complaints or exceedances of ordinances.

L011-12

Chapter 4 analysis sections have been updated to discuss each and every significance criterion.

L011-13

Additional technical appendices have been included in the Final EIS/EIR. All the documents supplied by the Applicant that are not confidential are on the Federal docket at <http://dms.dot.gov/search/searchFormSimple.cfm>, docket #16877. All other non-copyrighted material is contained in the administrative record.

L011-14

Section 2.7.1.2 addresses this topic.

L011-14.1

The Project has been modified since issuance of the October 2004 Draft EIS/EIR. Section 4.6.4 contains revised text on this topic.

L011-15

Sections 4.6.3 and 4.6.4 contain revised discussions of air quality significance criteria and impacts, respectively.

In addition, the analysis does not address all of the significance criteria:

1. Conflicts with or obstructs implementation of any applicable Federal, State or local air quality plan.

L011-16

An analysis of both Air Quality Management Plan Consistency and Conformity is required to determine impacts under this threshold. Consistency requires a demonstration that any growth-inducing impacts of the project (and cumulative development) will not result in an exceedance of the population assumptions used in developing the AQMP. As detailed more fully later in this comment letter, the growth-inducing impact analysis contained in the EIS/EIR does not do this. The analysis does not address the ability of existing gas supplies to serve the existing and projected population, assess whether the additional gas supplies are required to serve the projected population, or determine whether the new supply would accommodate additional growth, beyond that included in the growth forecasts used in developing the AQMP.

L011-16.1

L011-17

The EIR/EIS does not contain a Conformity analysis, rather completion of the analysis is a "mitigation measure." The analysis is needed now in order to answer the EIR/EIS question of whether the project would conflict with any applicable Federal, State or local air quality plan. In addition, it is important to include the analysis in the EIR/EIS in order to allow responsible agencies and the public to comment on the analysis, rather than deferring the analysis until after a decision has been made on the project and the project is seeking AQMD permits. Since a finding of conformity requires a demonstration that emission can be off-set, the Conformity analysis should include a demonstration (rather than an assumption) that the requisite off-set is feasible.

L011-18

2. Violates any air quality standard or exceeds de minimus levels to an existing or projected air quality violation, including normal operational and accidental releases.

The EIR/EIS fails to include either an analysis which shows that the project (with and without mitigation) is consistent with the SCAQMD and VCAQMD emissions thresholds. The analysis should also address the impact of the project on compliance with State and National Ambient Air Quality standards.

L011-19

3. Results in a cumulatively considerable net increase in any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for O3 precursors).

L011-20

L011-16

Section 4.6.4 contains a revised discussion of this topic.

L011-16.1

The Draft General Conformity Determination was issued in March 2006 with a 30-day public comment period. However, based on equipment changes proposed by the Applicant, MARAD and the USCG have determined that the General Conformity Rule does not apply. Appendix G4 contains additional information on this topic. See response to Comment L011-18.

L011-17

Section 5.5 contains information on growth-inducing impacts.

L011-18

In March 2006, the USCG and MARAD solicited public input on a Draft General Conformity Determination, which concluded that NOx emissions generated from Project construction activities in Los Angeles County were subject to the General Conformity Rule. All other Project-related emissions were determined not to be subject to the General Conformity Rule. Subsequent to the issuance of the Conformity Determination, BHPB provided a written commitment that all onshore pipeline construction equipment would, to the extent possible, utilize engines compliant with USEPA Tier 2, 3, or 4 non-road engine standards with Tier 2 being the minimum standard for any engine.

Project emissions were then reanalyzed to assess the potential emission reductions associated with the stated commitment and to reassess the applicability of the General Conformity Rule. The revised General Conformity analysis concluded that all applicable Project emissions would be less than *de minimis* thresholds in both Ventura and Los Angeles Counties and, therefore, not subject to the General Conformity Rule. Based on this conclusion, the USCG and MARAD will not finalize the Draft General Conformity Determination.

Section 4.6.1.3 and Section 4.6.2 contain revised Project emission estimates and a revised discussion of the applicability of the General Conformity Rule to the Project, respectively. Appendix G4 contains a copy of the revised General Conformity analysis.

L011-19

Section 4.6.4 contains a revised discussion of this topic.

L011-20

Section 4.20 contains a revised discussion of this topic.

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According to the VCAQMD's Guidelines a project would result in a cumulative impact if it is inconsistent with the AQMP and results in emission of 2 lbs or greater per day of NOX or ROC. The EIR/EIS has yet to demonstrate consistency with the AQMP, and the project would result in NOX and ROC. Without a consistency showing, the analysis is incomplete and an impact determination can not be made.

L011-21

4. Exposes the public (especially schools, day care centers, hospitals, retirement homes, convalescent facilities, and residences) to substantial pollutant concentrations that are above acceptable health effects levels.

It does not appear that the EIS/EIR contains an analysis of the potential for impacts under this threshold.

L011-21.1

5. Produces ammonia levels above odor threshold levels and that create objectionable odors affecting a substantial number of people.

The EIR/EIS does include an analysis of the potential for exposure to unhealthy levels of ammonia. The analysis should also include a sentence which addresses odor exposure.

L011-22

The analysis should be revised to address these comments and the additional requirements of the VCAQMD and SCAQMD. The details of the analysis should be included in a technical appendix.

L011-23

Biological Resources

- Given the potential for impacts to protected or endangered species, the EIR/EIS should demonstrate that consultation with CDFG and USFWS has occurred and that these agencies are in agreement with the general conclusions contained in the document and that the agencies do not feel that Section 7 consultation is needed at this time.

L011-24

- Any field surveys conducted for the project and the wetlands delineation report should be included in the technical appendices:

L011-24.1

- There is no evidence in the narrative that field surveys were conducted to determine the presence or absence of the species listed in Tables 4.8-5A and 4.8-5B. If field surveys for these species were conducted, the results of the surveys should be included in the Tables. If field surveys were not conducted for these species, the assessment of potential biological resource impacts is inadequate.
- According to page 4.8-52, preliminary consultation with USFWS identified potential impacts on arroyo toad, stickleback, least Bells' vireo, two species of spineflower, and a number of sea birds.

L011-25

L011-21

Section 4.6.4 compares Project emissions that would occur in Ventura County with significance criteria used as guidance in determining consistency with Ventura County's Air Quality Management Plan.

L011-21.1

The Project has been modified since issuance of the October 2004 Draft EIS/EIR. See Section 1.4.2 for a summary of Project changes. Section 4.6.1.3 contains revised information on Project emissions and proposed control measures. Section 4.6.4 discusses the health effects attributed to air pollutants and includes revised impacts and mitigation measures.

L011-22

Sections 4.6.1.3 and 4.6.4 contain updated additional information to clarify the nature of ammonia emissions from FSRU equipment and related air quality impacts.

L011-23

Section 4.6.4 contains information on air quality impacts associated with Project emissions. Appendices G1 through G8 contain detailed information on air quality impact analyses and emissions calculations.

L011-24

Section 4.8 and Appendix I contain information on Section 7 consultation.

L011-24.1

Space limitations prevent the publishing of the wetland delineation reports and maps with the Final EIS/EIR. However, wetland delineation survey results have been summarized and wetland reports and maps should be available through the USACE permitting division.

L011-25

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section

4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

However, there is no evidence in the EIR/EIS that any field work was conducted to assess the presence or absence of these species in the area of potential effect.

- It is unclear from the narrative whether any protocol surveys for special status species were conducted (or whether appropriate field surveys, for those species for which protocols have not been established were conducted). Protocol surveys should be conducted as part of the preparation of the Draft EIR/EIS and not deferred until pre-construction. Rather, pre-construction surveys should be conducted, as required by CDFG to insure that such surveys are less than a year old, prior to the start of construction. In the absence of protocol surveys, the potential for impacts to special status species remains.

- The biological resources section fails to identify areas containing proposed critical habitat, including the proposed critical habitat for the California gnatcatcher and the Arroyo Toad. All final and proposed critical habitat in the vicinity of the project should be shown on a figure. Impacts to proposed critical habitat (which is treated in the same manner as designated critical habitat by USFWS) must be identified in the EIR/EIS.

- As shown on the attached figure, the Quigley Valve end portion of the pipeline in Santa Clarita crosses into proposed critical habitat for the California Gnatcatcher. Protocol surveys are required to determine the presence or absence of this species, and thus whether Section 7 consultation is required. In any case, the EIR/EIS must address the potential impact of the project on proposed critical habitat.

- The areas in which the pipeline would cross the Santa Clara River and San Francisquito Creek are within the proposed critical habitat for the Arroyo Toad. The EIR/EIS must therefore address the potential impact of this project on this species.

- There is concern regarding statements such as those on page 4.8-53 which anticipates that "Construction Monitors and fish handlers . . . (would) ensure that (Stickleback) are not within the riverbed at the pipeline crossing, with additional measures to move or block fish from the construction area" and on page 4.8-57 which indicate that "an 80-foot (24-m) ROW would be used on the route, except at the river crossings, where the ROW may require a maximum of 225 feet (69 m)." These statements would appear to anticipate construction within either the Santa Clara River or San Francisquito Creek. Any construction within these two water bodies would result in significant biological resources impacts, which are not identified in the EIR/EIS and would

L011-25
 cont'd

L011-26

L011-27

L011-26

The text and figures in Section 4.8.1 discuss and show potential suitable habitat for the species cited in the comment.

L011-27

Tables 4.18-5 and 4.18-6 in Section 4.18 (Water Quality) describe crossing methods for each waterbody on the proposed Center Road Pipeline and the Line 225 Pipeline Loop.

be inconsistent with either the project description or the alternatives. A mitigation measure must be included, requiring that all river crossings occur on existing bridges, and prohibiting construction or other associated activity within the Santa Clara River or San Francisquito Creek. In the absence of such a mitigation measure, a detailed analysis of the magnitude, extent and impacts of any within the Santa Clara River or within San Francisquito Creek construction, Section 7 consultation, and recirculation of the EIR/EIS to address potential Arroyo toad and Stickleback impacts would be required. Without either the requested mitigation measure or the specified analysis, consultation and recirculation, the EIR/EIS is legally inadequate.

- The EIR/EIS needs to clearly identify the location and acreage of waters of the United States, wetlands, proposed or designated critical habitat, and key habitat types (including riparian habitat) impacted by the proposed project. The existing discussion is too general, and lacks the specificity in the definition of impacts typically required for project-level EIR/EIS's in the Santa Clara area.
- The EIR/EIS needs to indicate whether the project would result in the loss of any oak trees and provide for mitigation consistent with the City's Oak Tree ordinance. In addition, the document needs to identify whether the project will result in the loss of any other native trees, or trees with aesthetic value.
- The EIR/EIS should demonstrate that consultation has occurred with CDFG regarding acceptable habitat and other replacement ratios.
- Under federal law, only individuals with specific authorization may "take" endangered species. Mitigation Measure TerBio-9 would appear to give "Construction Monitors" authority to move or block Stickleback from the construction area.
- In general, because of the non-specific nature of the biological resources discussion, and the failure of the analysis to quantify and locate potential impacts to Waters of the United States and sensitive species, the EIR/EIS fails to define alternatives (routing modifications or refinements) which would reduce or eliminate biological impacts

Cultural Resources

- It appears that the cultural resources assessment is based solely on a records search, and that no field work was conducted, despite the fact that page 4.9-10 indicates that only 75 to 80 percent of the project area was previously surveyed. Field work of the remaining 20 to 25 percent of the areas should be conducted and described in the EIR/EIS.

L011-28

L011-29

L011-30

L011-31

L011-32

L011-33

L011-34

L011-28

See the response to Comment L011-27

L011-29

The Applicant has completed a wetland delineation (using Army Corps of Engineers definitions and California Coastal Commission and California Department of Fish and Game wetland definitions where appropriate) identifying wetlands and waters of the United States along the Project pipeline routes and at the proposed metering stations. Section 4.8.4 addresses potential impacts on wetlands. Mitigation measures presented in Section 4.8.4 have been developed to avoid, minimize, or reduce impacts on wetlands and waters of the United States during construction activities. Tables 4.18-5 and 4.18-6 also provide descriptions of the waterbodies, most of which are concrete flood control channels or agricultural drains, along the proposed pipelines and alternatives.

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L011-30

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with information from these surveys.

L011-31

Appendix 1 has information on this topic.

L011-32

Section 4.8.4 discusses how impacts on the unarmored three-spined stickleback would be avoided.

L011-33

Subsequent to the completion of the October 2004 Draft EIS/EIR, the Applicant completed surveys of the pipeline rights-of-way in accordance with California Department of Fish and Game protocol. Surveys included a wetland delineation survey that meets the California Coastal Commission and California Department of Fish and Game wetland definition, botanical and wildlife surveys for Federal and State listed species, a wintering waterfowl survey, a burrowing owl survey, and surveys to determine whether any oak trees would need to be removed during construction. Section 4.8 has been updated with the results of these surveys, and Section 4.8.4 contains updated mitigation measures. Additional preconstruction plant and wildlife surveys, specific to the final construction timeline and designated pipeline alignment, would be completed for special status species, federally listed species, or California protected species specified by the USFWS or the CDFG, to minimize the potential for causing mortality of local wildlife. However, for purposes of the impact analyses and resultant mitigation, all relevant species are presumed to exist in the vicinity of the proposed Project.

L011-34

Section 4.9.1 contains information on cultural resources surveys, including the results of an onshore pedestrian cultural resources survey and an assessment of national and state registry eligibility.

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- In addition, it does not appear that any field investigation was conducted on known sites within 0.25 miles of the project alignment. No assessment of National or California Register eligibility appears to have been conducted.
- Mitigation measures AMM Cul-3b, 3d and 3e constitute improper deferment of the needed analysis. In addition, identification of actions to mitigate impacts to specific sites has not been provided. Instead the EIR/EIS relies on site avoidance "to the maximum extent feasible" (AMM Cul-2a). Is avoidance feasible, if it requires modification of the route alignment? If not, the mitigation is meaningless. If so, the modified route should be identified and evaluated as an alternative.
- Tables 4.9-2 to 4.9.6 identify impacts to California Site Number 56-150018, VEN-665, VEN-918, VEN-666, and VEN-13. However, page 4.9-21 states "the Project will result in no adverse impacts to documented prehistoric and historic site locations." The conclusion is not supported by the data.

Traffic

- Please provide some indication of the anticipated length of the disruption of traffic on each of the roadway segments which will be impacted by the project. Please indicate the extent of each roadway which will be impacted by construction (width of construction activities, anticipated number of lanes requiring closure) so we can judge the magnitude and extent of the construction impact. Information on the magnitude, extent and duration of the anticipated disruption of rail service should also be described.
- We would request that wording of MM Trans-1a be modified to require that the Transportation Management Plans be reviewed and approved by the affected local jurisdiction, at least 60 days prior to construction (i.e. not "or" the local jurisdiction, but "and" the local jurisdiction).
- The EIR/EIS should include evaluation of the potential impacts of the location of the staging areas.

Unavoidable Significant Adverse Impacts

- The discussion of unavoidable adverse impacts and the impact judgments in the Summary Table are not consistent. The Summary Table fails to identify unavoidable air quality, biological resource, and short-term traffic impacts. Similarly the discussion of unavoidable adverse impacts would appear to contradict the discussion of significant unavoidable impacts.

Growth-Inducing Impacts

L011-35

L011-36

L011-37

L011-38

L011-39

L011-40

L011-41

L011-35

See the response to Comment L011-34.

L011-36

See the response to Comment L011-3. The mitigation measures for impacts on onshore cultural resources have been revised (see Impact CULT-3) to include an Unanticipated Discovery Plan. In addition, the text of AM CULT-2a, Site Avoidance, has been revised.

L011-37

The sites mentioned in the comment occur along Alternative 1. See Section 4.9.1 for updated information on cultural resources on the proposed and alternative routes and the results of the pedestrian survey.

L011-38

Section 4.17.4 discusses traffic impacts during Project construction. Section 4.17.3 discusses Project impacts on rail service.

L011-39

Section 4.17.4 has been revised in response to the comment.

L011-40

Section 4.17.4 addresses this topic.

L011-41

Section 5.2 and Table 6.1-1 have been updated and are consistent in the identification of unavoidable significant (Class I) impacts.

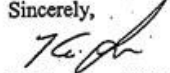
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- The analysis of growth-inducing impacts is inadequate. Under CEQA the courts have held that "construction of . . . utilities cannot be considered in isolation from the development it presages." The key question is whether the additional gas provision is designed to serve "development whose growth-inducing impacts have already been addressed in an EIR," or whether the proposed project (either alone or in combination with the cumulative natural gas projects) would accommodate growth in excess of that which have been previously analyzed (such as the regional growth forecasts). The EIR/EIS does not provide the necessary analysis to support its conclusions regarding the growth-inducing impacts, or lack thereof, of the project.

L011-42

Again, thank you for the opportunity to comment on the EIS/EIR. If you have any questions please feel free to contact either me or Kai Luoma, Senior Planner, at (661) 255-4330.

Sincerely,


 Kai Luoma, AICP
 Senior Planner

KL:lep

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Attachment

cc: Kenneth R. Pulskamp, City Manager
 Ken Striplin, Assistant City Manager
 Robert Newman, Director of Building and Engineering
 Darren Hernandez, Director of Administrative Services
 Chris Daste, Director of Field Services
 Lisa Hardy, Planning Manager
 Mike Murphy, Intergovernmental Relations Officer
 Gail Ortiz, Public Information Officer
 Kai Luoma, Senior Planner
 Susan O'Carroll, Environmental Consultant
 State Senator Tom McClintock
 State Senator George Runner
 State Assembly Member Keith Richman, M.D.
 Cheryl Karpowicz, Ecology and Environment, Inc.

L011-42

Section 5.5 contains information on growth-inducing impacts.

Section 1.2.2 contains updated information on natural gas needs in the U.S. Forecast information has been obtained from the U.S. Department of Energy's Energy Information Agency. As discussed in Section 1.2.2, the Federal EIA provides policy-independent data, forecasts, and analyses to promote sound policy-making, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment. Sections 1.2.2, 1.2.3, 1.2.4, 3.3.1, 3.3.2, and 4.10.1.3 contain information on the need for natural gas, the role and status of energy conservation and renewable energy sources, and the California Energy Action Plan. Sections 3.3.1 and 3.3.2 address conservation and renewable energy sources, within the context of the California Energy Commission's 2005 Integrated Energy Report and other State and Federal energy reports, as alternatives to replace additional supplies of natural gas.

Section 1.2.3 contains updated information on natural gas needs in California. Forecast information has been obtained from the California Energy Commission. As discussed in Section 1.2.3, the CEC's 2005 Integrated Energy Policy Report Committee Final Report provides the energy context for California's natural gas needs as identified in this EIS/EIR. The California Legislature recognizes that the CEC is the State's principal energy policy and planning organization and that the CEC is responsible for determining the energy needs of California. These responsibilities are established in State law (the Warren-Alquist State Energy Resources Conservation and Development Act [Public Resources Code, Division 15]). The analysis in Sections 1.2.3 and 3.3.2 relies on up-to-date published material on natural gas energy demand in California. See additional discussion of the CEC Final Report in Section 4.10.1.3.

